

John Wiley & Sons, Inc. v. DRK Photo

Case No. 1:11-cv-05454 (KPF)

**Supplemental Declaration
of Robert Penchina**


In Support of Motion for Summary Judgment

Exhibit E

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Caption
 Penas Blancas Valley, Monteverde Cloud Forest Reserve, Costa Rica

Photographer
 Michael & Patricia Fogden

File information
 5103 x 3392 pixels
 17.0 x 11.3 inches @ 300 ppi
 43.2 cm x 28.7 cm @ 118 ppcm

Restrictions
Search Keywords

<input type="checkbox"/> Cloud	<input type="checkbox"/> Landscape
<input type="checkbox"/> Cloud Forest	<input type="checkbox"/> Mist
<input type="checkbox"/> Color Image	<input type="checkbox"/> Nobody
<input type="checkbox"/> Costa Rica	<input type="checkbox"/> Outdoors
<input type="checkbox"/> Day	<input type="checkbox"/> Penas Blancas Valley
<input type="checkbox"/> Fog	<input type="checkbox"/> Photography
<input type="checkbox"/> Horizontal	<input type="checkbox"/> Tropical

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Picture Review

Reference
 1s849846

Caption
 Rainforest. Penas Blancas Valley. Cordillera De Tilaran. Costa Rica.

Size Online
 5184 x 3468 pixels / 52670 KB


Photographer
☐ [Michael Fogden](#)

Keywords ☒ match all ☐ match any [GO](#)

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<input type="checkbox"/> Canopy	<input type="checkbox"/> Lush Rainforest
<input type="checkbox"/> Central America	<input type="checkbox"/> Nature
<input type="checkbox"/> Cloud	<input type="checkbox"/> Rain Forest
<input type="checkbox"/> Clouds	<input type="checkbox"/> Rain Forests
<input type="checkbox"/> Costa Rica	<input type="checkbox"/> Rainforest

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Common name Vampire Bat **Latin name** [Desmodus rotundus](#)

Caption Vampire Bat (Desmodus rotundus) portrait, Costa Rica

Photographer Michael & Patricia Fogden

File information
 5056 x 3289 pixels
 16.9 x 11.0 inches @ 300 ppi
 42.8 cm x 27.8 cm @ 118 ppcm

Restrictions
Search Keywords

<input type="checkbox"/> Close Up	<input type="checkbox"/> Nobody
<input type="checkbox"/> Color Image	<input type="checkbox"/> One Animal
<input type="checkbox"/> Costa Rica	<input type="checkbox"/> Open Mouth
<input type="checkbox"/> Danger	<input type="checkbox"/> Photography
<input type="checkbox"/> Desmodus rotundus	<input type="checkbox"/> Portrait
<input type="checkbox"/> Fang	<input type="checkbox"/> Tooth
<input type="checkbox"/> Front View	<input type="checkbox"/> Ugly
<input type="checkbox"/> Head and Shoulders	<input type="checkbox"/> Vampire Bat
<input type="checkbox"/> Horizontal	<input type="checkbox"/> Wildlife
<input type="checkbox"/> Looking at Camera	

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Picture Review

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Reference

1s847972

Caption

Common vampire bat (Desmodus rotundus). Rainforest, Costa Rica.

Size Online

5268 x 3492 pixels / 53894 KB

Photographer

☐ [Michael Fogden](#)Keywords ☒ match all ☐ match any [GO](#)

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- | | |
|---|---|
| <input type="checkbox"/> Adult | <input type="checkbox"/> Eyes |
| <input type="checkbox"/> Adults | <input type="checkbox"/> Face |
| <input type="checkbox"/> Alert | <input type="checkbox"/> Headshot |
| <input type="checkbox"/> Animal | <input type="checkbox"/> Horizontal |
| <input type="checkbox"/> Animal Details | <input type="checkbox"/> Mammal |
| <input type="checkbox"/> Animals | <input type="checkbox"/> Mammals |


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Common name
 Eyelash Viper

Latin name
 Bothriechis schlegelii

Caption
 Eyelash Viper (Bothriechis schlegelii) on palm leaf over stream in rainforest, Costa Rica

Photographer
 Michael & Patricia Fogden

File information
 5053 x 3358 pixels
 16.8 x 11.2 inches @ 300 ppi
 42.8 cm x 28.4 cm @ 118 ppcm

Restrictions
Search Keywords

<input type="checkbox"/> Bothriechis schlegelii	<input type="checkbox"/> Horizontal
<input type="checkbox"/> Camouflage	<input type="checkbox"/> Nobody
<input type="checkbox"/> Color Image	<input type="checkbox"/> One Animal
<input type="checkbox"/> Costa Rica	<input type="checkbox"/> Photography
<input type="checkbox"/> Creek	<input type="checkbox"/> Rainforest
<input type="checkbox"/> Day	<input type="checkbox"/> Venomous
<input type="checkbox"/> Eyelash Viper	<input type="checkbox"/> Water
<input type="checkbox"/> Forest	<input type="checkbox"/> Wildlife
<input type="checkbox"/> Full Length	

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Picture Review

Reference
 1s849875

Caption
 Eyelash viper - green morph (Bothriechis schlegelii) on palm by rainforest stream. Costa Rica.

Size Online
 5146 x 3510 pixels / 52924 KB


Photographer
☐ [Michael Fogden](#)

Keywords ☒ match all ☐ match any [GO](#)

To start a new search, select from this keyword list and choose to match all or any of the words selected

<input type="checkbox"/> Animal	<input type="checkbox"/> Palm Tree
<input type="checkbox"/> Animalia	<input type="checkbox"/> Palm Trees
<input type="checkbox"/> Animals	<input type="checkbox"/> Pit Viper
<input type="checkbox"/> Arboreal	<input type="checkbox"/> Pit Vipers
<input type="checkbox"/> Bothriechis Schlegelii	<input type="checkbox"/> Plantae
<input type="checkbox"/> Brook	<input type="checkbox"/> Plants
<input type="checkbox"/> Brooks	<input type="checkbox"/> Predator

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Common name
 Violet Sabre-wing

Latin name
 Campylopterus hemileucurus

Common name
 Heliconia

Latin name
 Heliconia montevertensis

Caption
 Violet Sabre-wing hummingbird (Campylopterus hemileucurus) visiting a Heliconia (Heliconia montevertensis) flower, Monteverde Cloud Forest Reserve, Costa Rica

Photographer
 Michael & Patricia Fogden

File information
 5046 x 3346 pixels
 16.8 x 11.2 inches @ 300 ppi
 42.7 cm x 28.3 cm @ 118 ppcm

Restrictions
Search Keywords

<input type="checkbox"/> Campylopterus hemileucurus	<input type="checkbox"/> High Speed
<input type="checkbox"/> Close Up	<input type="checkbox"/> Horizontal
<input type="checkbox"/> Cloud Forest	<input type="checkbox"/> Hummingbird
<input type="checkbox"/> Color Image	<input type="checkbox"/> Nobody
<input type="checkbox"/> Costa Rica	<input type="checkbox"/> One Animal
<input type="checkbox"/> Day	<input type="checkbox"/> Photography
<input type="checkbox"/> Flower	<input type="checkbox"/> Profile
<input type="checkbox"/> Full Length	<input type="checkbox"/> Tropical
<input type="checkbox"/> Heliconia	<input type="checkbox"/> Violet Sabre-wing
<input type="checkbox"/> Heliconia montevertensis	<input type="checkbox"/> Wildlife

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Picture Review

Reference
 1s849906

Caption
 Violet sabrewing (Campylopterus hemileucurus) at heliconia (Heliconia montevertensis). Cloud Forest Costa Rica.

Size Online
 5064 x 3468 pixels / 51451 KB

Photographer
☐ [Michael Fogden](#)

Keywords ☒ match all ☐ match any [GO](#)

To start a new search, select from this keyword list and choose to match all or any of the words selected

<input type="checkbox"/> Adult	<input type="checkbox"/> Heliconia
<input type="checkbox"/> Adults	<input type="checkbox"/> Horizontal
<input type="checkbox"/> Alert	<input type="checkbox"/> Hummingbird
<input type="checkbox"/> Animal	<input type="checkbox"/> Hummingbirds
<input type="checkbox"/> Animals	<input type="checkbox"/> Land

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